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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOHN ALFARO,

11 Petitioner,

No. CIV S-03-0093 DFL KJM P

12 vs.

13 D. RUNNELS,

14 Respondent.

ORDER

15 _____/
16 Petitioner has timely filed a request for a certificate of appealability under 28
17 U.S.C. § 2253(c) concerning the denial of his application for writ of habeas corpus. Judgment
18 was entered in this action on March 31, 2006.

19 A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the
20 applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C.
21 § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues
22 satisfy the required showing or must state the reasons why such a certificate should not issue.
23 Fed. R. App. P. 22(b).

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1 For the reasons set forth in the magistrate judge's February 28, 2006 findings and
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional
3 right. Accordingly, a certificate of appealability should not issue in this action.

4 IT IS SO ORDERED.

5 DATED: 5/9/2006

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9 DAVID F. LEVI
United States District Judge